

A regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m., Wednesday, May 18, 1977 in the City Hall Council Chambers.

ROLL CALL            Present: Councilmen - EHRHARDT, HUGHES,  
                                         KATZAKIAN, PINKERTON  
                                         and KATNICH

Absent: Councilmen - None

Also Present: City Manager Graves, Assistant City Manager Glenn, Public Works Director Ronsko, Community Development Director Schroeder, City Attorney Mullen, and City Clerk Reimche

INVOCATION            The invocation was given by Assistant Pastor Eric Coulon, of the First Baptist Church.

PLEDGE Mayor Katnich led the Pledge of Allegiance to the flag.

MINUTES            On motion of Councilman Ehrhardt, Katzakian second,  
                         Council approved the Minutes of April 20, 1977 as  
                         written and mailed.

Councilman Katzakian then moved that the Minutes of May 4, 1977 be approved as written and mailed. The motion was seconded by Councilman Pinkerton and carried by unanimous vote.

PRESENTATIONS Mayor Katnich proclaimed the week of May 16-20, 1977 as "Medical Assistants Week" and presented the proclamation to Ms. Bessie T. Edgar.

May 16-20, 1977

"MEDICAL ASSISTANTS WEEK"

CONFLICT OF INTEREST CODE FOR PLANNING COMM. & VARIOUS

Notice thereof having been published and posted in accordance with law and affidavit of publication being on file in the office of the City Clerk, Mayor Katnich called for the public hearing to consider the adoption of Conflict of Interest Code for the Planning Commission and the various Department of the City of Lodi.

<p>OF THE CITY</p> <p>ADOPTED</p> <p>RES. NO. 4354</p>	<p>The matter was introduced by City Attorney Mullen, Mr. Mullen then briefed the Council on the proposed Conflict of Interest Code and answered questions regarding the subject as were directed by Council.</p>
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There being no persons in the audience wishing to speak on the matter, the public portion of the hearing was closed.

Councilman Ehrhardt then moved for adoption of Resolution No. 4354 to adopt the proposed Conflict of Interest Code for the Planning Commission and Various Departments of the City of Lodi. The motion was seconded by Councilman Katzakian and carried by the following vote:

Minutes of May 18, 1977, continued

CONFLICT OF  
INTEREST CODE  
RES. NO. 4354  
(Continued)

Ayes: Councilmen - Ehrhardt, Hughes,  
Katzakian and Katnich

Noes: Councilmen - Pinkerton

Absent: Councilmen - None

UNIFORM  
MECHANICAL CODE,  
1976 EDITION

Notice thereof having been published in accordance with law and affidavit of publication being on file in the office of the City Clerk, Mayor Katnich called for the public hearing to consider the "Uniform Mechanical Code", 1976 Edition.

ORD. NO. 1106  
INTRODUCED

Community Development Director Schroeder introduced the matter and answered questions regarding the subject as were directed by Council. Information regarding the subject was also presented by City Attorney Mullen.

There were no persons in the audience wishing to speak on the matter, and the public portion of the hearing was closed by Mayor Katnich.

Following Council discussion on the matter, Councilman Ehrhardt moved introduction of Ordinance No. 1106 adopting the "Uniform Mechanical Code", 1976 Edition, which Code provides regulations controlling the design, construction, installation, quality of materials, location, operation, and maintenance of heating ventilating, comfort cooling, refrigeration systems, incinerators and other heat producing appliances in the City of Lodi, providing for the issuance of permits and collection of fees therefor; providing penalties for the violations thereof; and repealing Sections 13A.1, 13A.2 and 13A.3 inclusive of the Code of the City of Lodi, and all other ordinances and parts of ordinances in conflict therewith, with statement of findings as stipulated by the City Attorney.

The motion was seconded by Councilman Katzakian and carried by the following vote:

Ayes: Councilmen - Ehrhardt, Katzakian, Hughes,  
Pinkerton and Katnich

Noes: Councilmen - None

Absent: Councilmen - None

UNIFORM PLUMBING  
CODE, 1976  
EDITION

Notice thereof having been published in accordance with law and affidavit of publication being on file in the office of the City Clerk, Mayor Katnich called for the public hearing to consider the "Uniform Plumbing Code", 1976 Edition.

ORD. NO. 1107  
INTRODUCED

The matter was introduced by Community Development Director Schroeder, who responded to questions on the subject as posed by the Council.

There were no persons in the audience wishing to speak either in favor of or in opposition to the matter, and the public portion of the hearing was closed.

Minutes of May 18, 1977, continued

UNIFORM PLUMBING  
CODE  
ORD. NO. 1107  
INTRO. (Continued)

Councilman Katzakian moved introduction of Ordinance No. 1107 adopting the "Uniform Plumbing Code", 1976 Edition, providing for the establishing of minimum regulations for the installation, alteration or repair of plumbing and drainage systems and the inspection thereof; providing penalties for the violation thereof; and repealing Sections 18.1, 18.2, 18.3 and 18.4, inclusive of the Code of the City of Lodi and all other ordinances and parts of ordinances in conflict therewith with statement of findings as stipulated by City Attorney Mullen.

The motion was seconded by Councilman Ehrhardt and carried by the following vote:

Ayes: Councilmen - Ehrhardt, Hughes, Katzakian,  
Pinkerton and Katnich

Noes: Councilmen - None

Absent: Councilmen - None

UNIFORM BUILDING  
CODE, 1976 EDITION

ORD. NO. 1108  
INTRODUCED

Notice thereof having been published in accordance with law and affidavit of publication being on file in the office of the City Clerk, Mayor Katnich called for the public hearing to consider the "Uniform Building Code", 1976 Edition and the Secondary Code Referred to Therein; namely, the "Uniform Building Code Standards", 1976 Edition.

Community Development Director Schroeder again introduced the matter and answered questions as were directed by Council.

There were no persons in the audience wishing to speak on the matter, and the public portion of the hearing was closed.

Councilman Ehrhardt then moved introduction of Ordinance No. 1108 adopting the "Uniform Building Code," 1976 Edition, and the secondary Code referred to therein, namely, the "Uniform Building Code Standards", 1976 Edition, which Codes regulate the design, construction, quality of materials, use and occupancy, location and maintenance of buildings or structures in the City of Lodi, providing for the issuance of permits and collection of fees therefor, providing penalties for the violations thereof; repealing Sections 5.1 and 5.2, inclusive of the Code of the City of Lodi, and all other ordinances and parts of ordinances in conflict therewith and containing a statement of findings as stipulated by the City Attorney.

The motion was seconded by Councilman Pinkerton and carried by the following vote:

Ayes: Councilman - Ehrhardt, Hughes, Katzakian,  
Pinkerton and Katnich

Noes: Councilmen - None

Absent: Councilmen - None

Minutes of May 18, 1977, continued

# PLANNING COMMISSION

The City Manager gave the following report of the Planning Commission meeting of May 9, 1977:

The Planning Commission -

## REQUEST TO PRE-ZONE TO M-2, 51-ACRE PARCEL BETWEEN VICTOR RD. & E. PINE ST.

5135

1. Recommended approval of the request of Mr. Frank A. Nottingham to prezone to M-2, Heavy Industrial a 51-acre parcel located between Victor Road (State Route 12) and East Pine Street, west of the Central California Traction Company right-of-way.

On motion of Councilman Ehrhardt, Hughes second, the matter was set for Public Hearing on July 6, 1977.

# ITEMS OF INTEREST

The Planning Commission also:

1. Recommended approval of action initiated by the San Joaquin County Planning Commission to rezone the area bounded by Rode, May and Acampo Roads on the north; Lower Sacramento Road on the east; Woodbridge Road on the south; and the Mokelumne River on the west from EA-5, Exclusive Agriculture; GA-1; GA-5 and GA-20, General Agriculture and RA-15, Rural Residential to GA-20 and GA-40 General Agriculture.

# COMMUNICATIONS

City Clerk Reimche presented information regarding the following applications before the Public Utilities Commission:

## APPLICATIONS BEFORE P.U.C.

1) Applications No. 57124 and 57138 of P.G.&E. for authority to increase its natural gas rates to offset increases in purchased gas adjustment of El Paso Natural Gas Company, and for authority to revise its gas service tariff to offset the effect of increases in the price of gas from El Paso Natural Gas Co.

2) Application No. 57285 of P.G.&E. for authorization, among other things to increase its rates and charges for gas service

3) Application No. 57228 of P.G.&E. for authorization, under the Energy Cost Adjustment Clause, to increase its rates and charges for electric service through an energy cost adjustment to offset increases in the cost of energy used to generate electricity.

4) Application No. 57284 of P.G.&E. requesting authorization, among other things, to increase its rates and charges for electric services.

## PETITION REC'D. REQUESTING CONTINUED ACCESS TO LODI LAKE PARK IN AREA OF LAKEWOOD SUBDV. #4

The City Clerk presented a petition bearing the signatures of 74 persons which states "We, the undersigned, request the City of Lodi to purchase and develop a five foot wide easement along the south side of Lot 190 in Lakewood Subdivision #4 to continue to provide the residents the access they have used for the past six years connecting 'our' community with Laurel Avenue, and thereupon access to Lodi Lake Park. This request would not open a new access to the wilderness area but would simply continue to keep open one of the long-standing accesses to Lodi Lake Park."

PETITION REC'D.  
RE ACCESS TO LODI  
LAKE PARK  
(Continued)

Minutes of May 18, 1977, continued

Following discussion on the matter with questions being directed to Staff, on motion of Councilman Hughes, Katzakian second, Staff was directed to correspond with Mr. Robert Postier requesting a meeting concerning the matter.

RESOLUTION REC'D  
OPPOSING SB 42

The City Clerk presented a resolution received from the City and County Board of Supervisors, San Francisco, expressing opposition to SB 42, the Determinate Sentencing Act of 1976, as drafted, and urging immediate emergency amendments. Discussion followed with no action being taken by the Council on the matter.

INFORMATION  
SOUGHT ON AB 965

The City Clerk presented a resolution which had been received from the City of Duarte supporting AB 965 - Youth and Family Projects and urging support necessary for the passage of this legislation. Following Council discussion on the subject, the City Clerk was directed to correspond with Mr. William Jones, Chief Probation Officer, San Joaquin County Probation Department requesting information and opinions relative to this bill.

ABC LICENSE

City Clerk Reimche presented Application for Alcoholic Beverage License for William Valencia dba Valencia Restaurant, 43 N. Sacramento Street, Lodi - "On Sale Beer and Wine Eating Place" - New License.

LOCAL PUBLIC  
WORKS CAPITAL  
DEVELOPMENT &  
INVESTMENT ACT

Council discussed at length the Local Public Works Capital Development and Investment Act under which application had been made for funding for a library as well as other City projects. Questions were directed to staff regarding the procedure that had been followed in applying for these funds and the present status of the application.

Council was apprised that the Library Application (L-CA-0323-0) in the amount of \$1,737,810 had received a score in the Round 1 scoring of 76.6235 and placed 1764 in the State Ranking.

Additional discussion followed regarding recent legislation (H.R. 11, to increase the authorization for the Local Public Works Capital Development and Investment Act of 1976 from \$2 billion to \$6 billion) and H.R. 4876, the Economic Stimulus Appropriations Act, which includes \$4 billion to fund the authorizing legislation) which had been signed into law by President Carter on May 13, 1977.

UPDATE ON FPC  
DELAY IN RATE  
CASES

Councilman Hughes updated the Council on the delays that have been encountered regarding F.P.C. ratification of the settlement agreement pertaining to pending rate cases with P.G.&E.

REPORTS OF THE  
CITY MANAGER

CONSENT CALENDAR

In accordance with the report and recommendation of the City Manager, the following actions hereby set forth between asterisks, on motion of Councilman Pinkerton, Katzakian second, were approved by Council:

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Minutes of May 18, 1977, continued

## CLAIMS

CLAIMS WERE APPROVED IN THE AMOUNT OF \$1,315,814.22.

2156 STREET  
REPORT

Council was apprised that every four years a report is made to the California Legislature detailing the progress made on city streets and county roads and which provides an estimate of future needs on these systems. Section 2156 of the Streets and Highways Code requires that each city and county transmit to the California Department of Transportation a report containing the data that may be necessary to detail progress and needs for its road or street system. A copy of the report was presented for Council's perusal pursuant to requirements of the California Department of Transportation.

WITHDRAWING  
"GEWEKE NO. 3"  
ADDITION FROM  
WOODBIDGE RURAL  
FIRE PROTECTION  
DISTRICT

Report of the City Manager reflected that pursuant to the California Health and Safety Code Section 13952 "the legislative body of the City may within one year after the annexation proceedings are complete provide by resolution that such territory shall be withdrawn from the rural fire protection district.

## RES. NO. 4355

## RESOLUTION NO. 4355

WITHDRAWING CERTAIN PROPERTY DESIGNATED AS "GEWEKE NO. 3 ADDITION" FROM THE WOODBRIDGE RURAL FIRE PROTECTION DISTRICT.

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EXECUTIVE  
SESSION

The City Council then recessed to Executive Session at approximately 8:50 p.m. Upon request, the City Clerk was excused from attending the Executive Session by Mayor Katnich. The City Council reconvened from Executive Session at approximately 9:17 p.m.

MEMORANDUM OF  
UNDERSTANDING  
FOR PREPARATION  
& ADOPTION OF AIR  
QUALITY MAINTENANCE  
PLAN  
ADOPTED

A presentation regarding the proposed Air Quality Maintenance Plan was made by Mr. Val Alexuff, Planner for the County of San Joaquin. Mr. Alexuff apprised the Council that on March 8, 1977, the Board of Supervisors adopted the organization plan for the Phase II Air Quality Maintenance Plan (AQMP) which established Technical, Advisory and Policy units. Additionally, the Board directed that a Memorandum of Understanding among the various agencies and jurisdictions which will participate in the planning process be prepared. The Memorandum of Understanding was highlighted by Mr. Alexuff, who then responded to questions regarding the subject as were directed by Council.

## RES. NO. 4356

Following Council discussion, Council, on motion of Councilman Katzakian, Ehrhardt second adopted Resolution No. 4356 approving the Memorandum of Understanding for the preparation and adoption of an Air Quality Maintenance Plan.

AMENDMENT TO  
P.E.R.S. CONTRACT  
APPRVD.

Following introduction of the matter by City Manager Graves and Assistant City Manager Glenn, Councilman Hughes introduced Ordinance No. 1109 authorizing an amendment to the Contract between the City of Lodi and the Board of Administration of the California Public Employees' Retirement System. The motion was seconded by Councilman Ehrhardt and carried by the following vote:

ORD. NO. 1109  
INTRODUCED

**PERS CONTRACT  
ORD. NO. 1109  
(Continued)**

Minutes of May 18, 1977, continued

Ayes: Councilmen - Ehrhardt, Hughes,  
Katzakian, Pinkerton and  
Katnich

Noes: Councilmen - None

Absent: Councilmen - None

**COUNCIL  
AUTHORIZES  
CONTRACT WITH  
STANDARD INS.  
CO. OF OREGON  
FOR SPECIFIED  
COVERAGE**

On motion of Councilman Ehrhardt, Katzakian second, the City Manager was then authorized to enter into a contract with the Standard Insurance Company of Oregon for the following coverage:

For Miscellaneous Employees

Long Term Disability Insurance and \$8,000 Term Life Insurance.

For Mid-Management Employees

Additional \$15,000 Term Life Insurance.

For Management Employees

Additional 1.5 times annual salary rounded to nearest \$1,000 Term Life Insurance.

**AUDITORS RETAINED  
FOR 1976-77 AUDIT**

Following introduction of the matter by City Manager Graves, Council, on motion of Councilman Pinkerton, Katzakian second, authorized retaining the firm of Ernst and Ernst to conduct the 1976-77 audit for the City of Lodi at a fee not to exceed \$8,000.00.

Following discussion on the matter, Staff was directed to present a report to Council on the manner with which the points which had been raised by Ernst and Ernst in the "Management Letter" covering the 1975-76 audit have been dealt with.

**TRANSFER FROM  
ANTI-RECESSION  
FUNDS AUTHORIZED**

Council was apprised by City Manager Graves that on July 26, 1976 Congress enacted legislation designed to help prevent local governments from taking budget cutting actions which would result in increasing unemployment. The City has received thus far \$79,694 which has been placed in a separate fund. Council has previously authorized expenditures of \$40,718 leaving a balance of \$38,976.

This year the City has experienced very unexpected increases in the cost of insurance and in the cost of electricity. City Manager Graves stated that it is proper use of those funds to spend them for these purposes and recommended that transfers from the anti-recession fund be made to the following accounts:

10-503.10	Street Lights	\$11,000
10-351.1	Building Maintenance	\$ 3,585
10-020.2	Insurance PL & PD	\$24,391
		<u>\$38,976</u>

On motion of Councilman Ehrhardt, Katzakian second, Council authorized the transfer from Anti-recession Funds as recommended by the City Manager and heretofore set forth.

Minutes of May 18, 1977, continued

**PURCHASE OF HURST  
POWER TOOL  
AUTHORIZED**

Following introduction of the matter by City Manager Graves, Council on motion of Councilman Ehrhardt, Katzakian second authorized the purchase of a Hurst Power Tool (Jaws of Life), spare parts kit, sales tax, training and ten air bottles at a total cost of \$6,943.00.

**PUBLIC HEARING SET  
FOR PROPOSED DOWN-  
TOWN UTILITY DIST.  
IV**

RES. NO. 4357

Council was advised that on February 7, 1973 the City Council adopted the Downtown Underground Utility Master Plan encompassing the area bounded by Lodi Avenue, Locust Street, Church Street and Sacramento Street. Included in the adoption of that master plan was phasing to accomplish the undergrounding of the master plan over a 5-year period. Districts 1, 2 and 3 have already been completed. Underground Utility District 4 will include the area bounded by Pine Street on the south, Elm Street on the north, Church Street on the west and Sacramento Street on the east. This district was originally planned for completion in 1977 but was postponed for one year due to financial considerations.

On motion of Councilman Katzakian, Ehrhardt second, Council adopted Resolution No. 4357 setting for public hearing July 6, 1977 the conversion of Downtown Utility District IV from 4-kv overhead to 12 kv underground - Elm/Pine - Sacramento Street to Church Street.

A lengthy discussion was held by the City Council regarding possible City participation in the construction and maintenance of a 50-meter pool at the new Tokay High School.

**50 METER POOL  
NEW TOKAY HIGH  
SCHOOL**

Parks and Recreation Director Ed DeBenedetti was in the audience and responded to questions regarding the matter as were directed by the Council.

Following discussion, Council directed City Manager Graves to make a determination of what the Lodi Unified School District would expect of the City should the school district elect to build a 50-meter pool at the new Tokay High School site.

**QUESTION POSED  
RE SECTION 27-19(e)  
OF CITY CODE**

Following introduction of the subject by Councilman Katzakian, Mayor Katnich requested the City Attorney to check to see if the provisions set forth in Section 27-19(e) of the City Code of the City of Lodi entitled "Protest" requiring a 4/5ths approving vote of the entire Council for passage is common practice throughout the State.

**MEETING TO BE HELD  
RE TRANSPORTATION  
PLAN**

Council concurred that a Special Meeting of the Council should be held Wednesday, June 8, 1977 at 8:00 p.m. for receipt of the Transportation Plan Alternatives and final recommendation from the Transportation Planning Project Review Committee.

**HIGHWAY 12 ASSN.  
TO MEET IN LODI**

Councilman Ehrhardt advised the Council that a meeting of the Highway 12 Association will be held May 19, 1977 at the El Charro Restaurant in Lodi.

**ADJOURNMENT**

There being no further business to come before the Council, Mayor Katnich adjourned the meeting at approximately 10:25 p.m.

*Alice M. Reimche*  
Attest: ALICE M. REIMCHE  
City Clerk